

**Notice of Allowability**

Application No.

09/853,834

Examiner

Man Phan

Applicant(s)

MARKEVITCH ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/03/2005.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 01/16/2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Reasons for allowance*

1. This communication is in response to applicant's 03/03/2005 amendment in the application of Markevitch et al. for a "Method of encoding a data packet" filed 05/10/2001. The proposed amendment has been entered and made of record. Applicant's argument and explanation with regard to the rejection under 35 USC 103 are persuasive. Furthermore, the rejections of record under 35 USC 103 of claims are withdrawn as evidence by the discussion follows.

2. Claims 1-12 are allowable as evident by applicant's amendment.

3. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a no obvious improvement over the prior art of record. The improvement comprises the step of determining the length of data chunk as the lesser of the number of bytes available in a current frame, the number of bytes remaining in the data packet, or a predetermined number of bytes; determining if the data chunk is the end-of-the-packet (EOP), and when the data chunk is not the EOP, pre-pending the data chunk with a control character representing the length of the data chunk and non EOP prior to insertion of the data chunk into a current frame; wherein when the data chunk is the EOP, determining if there is an error in communication of the plurality of data chunks; and when there is not an error in communication of the plurality of data chunks, pre-pending the data chunk with a control character representing the length of the data chunk and EOP, as specifically recited claims. The

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closest prior art of record fails to disclose or suggest wherein when there is a mode change, determining if the number of bytes remaining in the current frame is less than a second predetermined number, and the number of bytes remaining in the current frame is not less than the second predetermined number, inserting a control character representing the mode change in the current frame. The instant invention, in combination with the other claimed features, improves upon the Prior Art by providing a method of encoding a data packet for encapsulation in one or more frames for communication from a transmitter to a receiver in a network interface.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

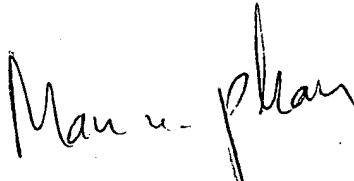
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

MPhan

June 18, 2005

A handwritten signature in cursive script that reads "Man u. phan".

**MAN U. PHAN**  
**PRIMARY EXAMINER**